

1 ADMIN. JUDGE SIPPEL: I'm going to overrule
2 the objection in the limited way that Mr. Seiver has
3 specified it. Everything else comes out. So what
4 stays in, I'm overruling the objection with respect to
5 Pages 133 - Transcript 133, Lines 20-23, Transcript
6 Page 134, Lines 1-5 and everything else comes out.
7 I'll run the risk of it being cumulative.

8 MR. CAMPBELL: 86 is Mr. Dunn. Thank you,
9 Your Honor.

10 ADMIN. JUDGE SIPPEL: Mr. Dunn -- Mr.
11 Michael Dunn.

12 MR. CAMPBELL: And that starts -

13 ADMIN. JUDGE SIPPEL: Mr. Michael Dunn was
14 a project services type with Gulf Power, he is now
15 retired.

16 MR. CAMPBELL: Correct.

17 ADMIN. JUDGE SIPPEL: He did -- he prepared
18 work orders for the field. Okay. He's got some general
19 testimony as to who pays for charge-outs given several
20 scenarios. That's what my cryptic notes of what this
21 deposition testimony is about for Mr. Dunn.

22 MR. SEIVER: He starts on the next page,

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1 Your Honor.

2 ADMIN. JUDGE SIPPEL: What page are we
3 going to start with?

4 MR. CAMPBELL: I'm going to start with --
5 I'm trying to streamline a few of them, because I
6 think in Your Honor's prevolutions with respect to
7 cumulative testimony that there's a lot - a lot of
8 that in here. For example, they're asking about his
9 background, we -- we got that in his written prefiled
10 and his cross-examination, but we won't object to it.
11 Page 13, however, contains testimony concerning pole
12 heights in the mid-seventies. I -- I don't understand
13 the relevance of that.

14 ADMIN. JUDGE SIPPEL: All right. That's a
15 good question. Mr. Seiver what's -- what do we care
16 about what happened in the mid-seventies?

17 MR. SEIVER: And which page were you on 9?

18 ADMIN. JUDGE SIPPEL: He's on Page 13.

19 MR. CAMPBELL: No Page 13, Lines 18 through
20 24.

21 MR. SEIVER: I think that's just tying into
22 the background of how generally they went from shorter

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1 to taller polls and since Pensacola was part of it --
2 I mean I think it's very general, but it talks about
3 the poles with primaries on them with 35, 40, or 45.

4 ADMIN. JUDGE SIPPEL: I -- it just seems to
5 me that I remember a lot of testimony and it didn't --
6 it was coming from Gulf Power's side. Am I correct on
7 that?

8 MR. SEIVER: Well, Your Honor, we didn't
9 have it, you know when we did our designations I
10 wasn't trying to be cumulative.

11 ADMIN. JUDGE SIPPEL: No, I understand. I
12 understand.

13 MR. SEIVER: We were just putting our case
14 together. I mean if it just would be stricken for
15 cumulativeness that doesn't seem to be really an
16 issue. We put it in there just to keep it clear, you
17 know, of what his background was and what was going on
18 with the poles in those years.

19 ADMIN. JUDGE SIPPEL: I -- I just -- I --
20 I don't have any problem with it. I'm going to -- I'm
21 going to overrule the objection. I mean this is not
22 going to -- this is not going to confuse the record.

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1 It's not overly burdening the record. This is really
2 just a few pages of testimony that in the scheme of
3 things isn't going to throw anything off. And I mean
4 that -- the business about these different heights of
5 poles, it seems to me that we've got this a lot of
6 testimony on this.

7 MR. CAMPBELL: We did about current pole
8 height, not back in the seventies.

9 ADMIN. JUDGE SIPPEL: Well I agree, I mean,
10 I -- look if it goes to the weight and it goes to the
11 -- to the relevance of it, but I don't think that it's
12 worth. I mean it goes more to the weight than the
13 relevance, I'm sorry. Do you have any strong
14 objection to taking this out?

15 MR. SEIVER: Your Honor, we just had it,
16 you know, so that there was one collection of Mr.
17 Dunn's background.

18 ADMIN. JUDGE SIPPEL: I don't need that.
19 Let's take it out.

20 MR. CAMPBELL: Your Honor, I hear you with
21 respect to it's a few pages, but when you have a few
22 pages kind of seven or eight, it's no longer a few

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1 pages, if it's cumulative you don't need it.

2 ADMIN. JUDGE SIPPEL: Well I'm -- just one
3 more -

4 MR. CAMPBELL: Your Honor, I'm trying to --

5 ADMIN. JUDGE SIPPEL: I understand. I
6 understand. Please. That's a side remark that I'm
7 making that doesn't apply here. Let's focus on what
8 we're taking out of here.

9 MR. SEIVER: So Page 9 is out, Your Honor?

10 ADMIN. JUDGE SIPPEL: Yes, that -- that
11 which goes back to the mid-seventies for purposes of
12 giving this process back when, we don't need any of
13 that, so -- where are we going to start?

14 MR. CAMPBELL: Let me try to streamline
15 some of this.

16 ADMIN. JUDGE SIPPEL: Page 9 is okay.

17 MR. SEIVER: I'm sorry. I thought that's
18 what was being taken out.

19 ADMIN. JUDGE SIPPEL: That was what he was
20 he was a project service, no, no, we're talking about
21 is the business about what the poles were -- in the
22 mid-seventies what the pole lengths were in that time.

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1 MR. CAMPBELL: I identified Page 13, Lines
2 18 through 24, Your Honor.

3 ADMIN. JUDGE SIPPEL: That's right.

4 MR. SEIVER: So 18 through 24 come out, the
5 earlier part of 13 can stay in then?

6 ADMIN. JUDGE SIPPEL: Yes.

7 MR. SEIVER: Yes. Okay.

8 ADMIN. JUDGE SIPPEL: 18 through 24 and
9 what about Page 15?

10 MR. SEIVER: We did not designate that,
11 Your Honor.

12 ADMIN. JUDGE SIPPEL: Okay.

13 MR. CAMPBELL: Pages 24 and 25, Your Honor,
14 again we have an issue. They're talking about ILEC
15 contracts, the concept of parody and unauthorized
16 attachments and how they were handled from 1976 to
17 1981. It seems irrelevant to me.

18 ADMIN. JUDGE SIPPEL: We don't need that do
19 we?

20 MR. SEIVER: Well Your Honor, we did talk
21 about the parody and there was -- this was a tie in
22 and I honestly cannot remember to what point parody

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1 was discussed with the witnesses live, but this was a
2 very tight presentation about the ILEC pole rents,
3 which we use as part of our case to rebut Gulf Powers,
4 and that's where it was parody and there was a 5%
5 variation and where that came from. I don't think
6 it's necessarily cumulative, but it was putting in
7 context how the ILEC poles were built, which is the
8 ILEC pole rent was also something that was used by
9 their -- their witnesses to try and establish a rate.

10 ADMIN. JUDGE SIPPEL: Okay.

11 MR. CAMPBELL: The current agreements were
12 relied upon, not 1976 to 1981 and unauthorized
13 attachment penalties. I -- I just --

14 ADMIN. JUDGE SIPPEL: I -- I'm just trying
15 to figure out what -- you know -- what -- of what help
16 is that going to be to me or to somebody looking at
17 this.

18 MR. SEIVER: Well Your Honor, it was more
19 the context to show, you know, the - what has happened
20 in the years before when they've set up, you know,
21 when the pole rental became regulated in '78, and how
22 that changed. We spent some time with Mr. Dunn on

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1 that and that's where we get into -- on Page 27, I
2 didn't -- I didn't designate it, because, you know we
3 did cover it live.

4 ADMIN. JUDGE SIPPEL: What -- what -- I'm
5 sorry I didn't mean to interrupt, but what is -- what
6 has not been designated is -- tell me what has not
7 been designated, 27 has not been designated?

8 MR. SEIVER: No, it has not been designate.
9 I purposely didn't do that, because we knew that, you
10 know, we were going to get into the '78 Act. I was
11 just trying to -

12 ADMIN. JUDGE SIPPEL: All right. And what
13 about Page 26, has that been designated?

14 MR. SEIVER: 26 we did not designate, only
15 24 to 25. And that was where we were trying to -- to
16 nail down, which I thought we did with the -- how they
17 relate with the phone companies as to who pays for
18 change outs on 24.

19 ADMIN. JUDGE SIPPEL: Right.

20 MR. SEIVER: Cable companies agreed to pay
21 for make-ready.

22 ADMIN. JUDGE SIPPEL: All right. I've

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1 heard enough. I'm going to overrule the objection.
2 What you're -- you have very good points Mr. Campbell
3 with respect to the age of this -- of the events in
4 this, but I think for background purposes it's worth
5 leaving in and you can argue weight.
6 So 24 and 25 stay in, objection is overruled.

7 MR. CAMPBELL: Next objection, Your Honor,
8 relates to Page 50, Your Honor, Lines 19 through 24,
9 and I think all we have here is really argumentative
10 questioning where Mr. Seiver is attempting to
11 characterize the termination of the contracts and the
12 particularly offensive language is on Line 20 to 21,
13 when you terminated the contracts and asked for just
14 compensation you took the matters into your own hands.
15 It's that phraseology of sort of you know vigilante
16 justice or something, I don't know. But it's -- it's
17 an argumentative question. It should be stricken.

18 MR. SEIVER: He gave a nice answer. And I
19 think if there's any prejudice in the argumentative
20 state of the question that it surely wasn't a problem
21 in the answer.

22 MR. CAMPBELL: His answer was not

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1 responsive to your question. The question is
2 offensive, it's argumentative and it's an improper
3 question.

4 MR. SEIVER: Well, I think, argumentative
5 is also an objection to the form.

6 ADMIN. JUDGE SIPPEL: Well, yes, I'm -- I'm
7 -- let me -- let me backup a little bit on this.
8 Where -- where does this all -- where is the question
9 that starts this line of questioning?

10 MR. CAMPBELL: It starts on -- the question
11 and answer is just 19 through 24 and what he's asking
12 about I think it's just the terminates of the contact
13 back in 2000.

14 ADMIN. JUDGE SIPPEL: Now wait a minute.

15 MR. CAMPBELL: Which by the way is not even
16 an issue in this proceeding really, so it's
17 irrelevant.

18 ADMIN. JUDGE SIPPEL: You -- you're going
19 too fast for me. We're on Page 50 of the transcript,
20 right?

21 MR. CAMPBELL: Correct.

22 ADMIN. JUDGE SIPPEL: And this -- again

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1 this is Mr. Dunn's transcript on page transcript 50,
2 where is the question that leads into this
3 objectionable matter?

4 MR. CAMPBELL: I think it starts at Line 6,
5 I guess, but Mr. Seiver could probably answer that.

6 ADMIN. JUDGE SIPPEL: Let me -- let me look
7 at that. Okay. Yes.

8 MR. CAMPBELL: And I'll reiterate the
9 objection, number one termination of the contracts is
10 not at issue in this proceeding, pole crowding and
11 just compensation is at issue in this proceeding.

12 MR. SEIVER: I'll -- I'll make a grand
13 concession, Your Honor. If he wants to take 19 on
14 out, as long as we have 6 through 18 in I'll -- I'm --
15 I'm happy.

16 ADMIN. JUDGE SIPPEL: I will definitely
17 take 19 through what is it?

18 MR. SEIVER: 25.

19 ADMIN. JUDGE SIPPEL: Through 25, that
20 comes out. I don't see any reason to strike what come
21 up beforehand. Again it's background, I mean, you can
22 argue the weight of it and the historical context, but

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1 it doesn't certainly meet the merits of the objection
2 that you have with respect with what we've stricken.
3 Next one.

4 MR. CAMPBELL: The next one, I'll make the
5 objection, Pages 55 through 64. I could not find
6 anything in there that hasn't already come into
7 evidence, so it's all cumulative, but you know -- I
8 understand what you've done with that issue.

9 ADMIN. JUDGE SIPPEL: I don't think it's
10 going to overwhelm anybody as being so superfluous and
11 so repetitive that it's going to burden the record.
12 So I'm going to overrule that objection.

13 MR. CAMPBELL: On Page 96, Your Honor,
14 Lines 1 through, I guess, 23, because that's where the
15 last full answer stops. He's asking him about the
16 legal interpretation of the amendment that took place
17 in 1996. It's improper testimony from a lay witness.

18 ADMIN. JUDGE SIPPEL: Mr. Seiver.

19 MR. SEIVER: Your Honor, I thought he gave
20 a pretty good explanation. Mr. Dunn was a straight
21 shooter, you saw him Your Honor, and the important
22 point was to understand how mandatory access changed

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1 things. And, you know, the -- probably the critical
2 lines may be only 1 through 10, but, you know, the
3 rest of it, 11 on down, I would think that Mr.
4 Campbell would want that in there, because that shows
5 how he understands -- how the company understands it.

6 MR. CAMPBELL: Simple point is, the law is
7 the law. The act did what it did. It's already been
8 interpreted by the Eleventh Circuit, it's been
9 interpreted by the Commission, it -- it -- you know --

10 MR. SEIVER: But they're asking for a rate
11 based on, you know, the capacity issue and the
12 crowding issue --

13 ADMIN. JUDGE SIPPEL: It's a mixed -- what
14 it is it's a mixed question of fact and law, and I'm
15 certainly not, again, I'm not going to be relying on
16 lay witnesses to instruct the Commission as to what
17 the law is, but how the law might -- his
18 interpretation of the might have motivated or impacted
19 business decisions. I think in the broad context it's
20 relevant and permissible. I'm going to overrule the
21 objection. Next objection please.

22 MR. CAMPBELL: If you'll give me just a

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1 moment, Your Honor.

2 ADMIN. JUDGE SIPPEL: Yes, sir.

3 MR. CAMPBELL: I'm going to look through
4 the remaining.

5 ADMIN. JUDGE SIPPEL: Sure.

6 MR. CAMPBELL: The remaining objections I
7 would make to Mr. Dunn were all based on cumulative
8 testimony and I understand what you have decided to do
9 with that, so we'll move on to Tab 87. What is that
10 one Mr. Seiver?

11 MR. SEIVER: Tab 87 is Mr. Forbes. And Your
12 Honor, that would start on Page 121 of the excerpts.

13 ADMIN. JUDGE SIPPEL: All right. He was a
14 senior engineer, worked on the Knology project.

15 MR. CAMPBELL: This one I'm going to make
16 an overall objection as to the relevance of any
17 testimony about the Knology dispute that Gulf Power
18 had. I don't see the relevance of that to this
19 proceeding and great portions of this - of the
20 designations that are tendered in Tab 87 relate to
21 that issue and let me say this about that. We spoke
22 about a rebuttal case on multiple occasions during the

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1 proceeding and I understand that, Your Honor, had
2 issues with respect to the timing of that and how that
3 would work, and the need for it.

4 This is the kind of thing -- the kind of
5 testimony that would spark the need to respond to it
6 if the proffer is what I think it's going to be and so
7 I'll stand and wait to hear the proffer, but I'm going
8 to make an overall objection to all of Mr. Forbes
9 designations as being irrelevant.

10 ADMIN. JUDGE SIPPEL: Go ahead, Mr. Seiver.

11 MR. SEIVER: I guess I'm glad I wasn't
12 standing, I might have fallen over on this one,
13 because we heard Knology on every occasion when Gulf
14 Power was talking about in its rehearing, in its
15 description of evidence, itemization of evidence, it
16 was using the whole Knology project as evidence not
17 only of crowding, but of cost problems.

18 And this a perfect example of how our case
19 shows that Knology, if anything, the way it happened
20 and the way Mr. Forbes described it shows that not
21 only did Gulf Power not suffer any costs, because it
22 was more than reimbursed for anything that was out of

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1 pocket, but there was nothing particularly unusual
2 about it in the way they accommodate the attachments
3 and did change-outs and did re-arraignments, all which
4 were paid for in millions of dollars by Knology. This
5 was supposed to be, I think, one of Gulf Power's key
6 examples of why they are entitled to just
7 compensation. So we -- we're just knocking that out
8 of the box and as it turns out -

9 ADMIN. JUDGE SIPPEL: Can we stipulate that
10 Knology is not relevant to the case?

11 MR. CAMPBELL: No, we can't stipulate to
12 that, because that's the problem, while Knology is
13 relevant, while the project is relevant, why it is
14 exemplary of crowding on poles, and it's exemplary of
15 what happened, the designations don't reflect that
16 testimony. What they're designating here is a dispute
17 between Knology and Gulf Power with respect to the
18 payment of the make-ready charges and so let's --
19 let's get into some of the designations and you'll see
20 where we're going with it.

21 ADMIN. JUDGE SIPPEL: All right, go ahead.

22 MR. CAMPBELL: There's certainly been

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1 evidence in the case about Knology. We've tended it,
2 they've tendered it. And it's our position that that
3 should be the extent of it. Let's start with Pages 22
4 to 29. And let me get you a more specific cite.
5 Actually, I've lost myself here.

6 ADMIN. JUDGE SIPPEL: Well 22 and 23 get
7 into the background of the project.

8 MR. CAMPBELL: Right. Right. Right.
9 Those aren't problematic. It's over on Page 41, Your
10 Honor, I'm sorry for the --

11 ADMIN. JUDGE SIPPEL: It's all right.

12 MR. CAMPBELL: And it runs from Lines 1
13 down through Lines 25.

14 MR. SEIVER: On Page 41?

15 MR. CAMPBELL: 41 right.

16 ADMIN. JUDGE SIPPEL: 41 of the transcript,
17 which would be your excerpt page 128. And it runs
18 from question on Line 1 all the way down to 25?

19 MR. CAMPBELL: Right.

20 ADMIN. JUDGE SIPPEL: Lines 1 through 25,
21 "Are you aware of anything" -- okay, Mr. Seiver. I
22 mean, what do we care about -- it looks like it's a

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1 collection problem.

2 MR. SEIVER: No.

3 ADMIN. JUDGE SIPPEL: Money collection.

4 MR. SEIVER: No. It -- the thing was is
5 they paid for all the work. It wasn't a collection
6 problem as much as, you know, they paid for all the
7 make-ready. There's no cost or work that was
8 unreimbursed, there was no out of pocket loss on the
9 Knology project. They paid for it. "They gave a
10 payment for the work that was done?" "All of it."
11 "All of what -- all of the work?" "All of the work.
12 To my knowledge they paid for all of the work." I
13 think that's pretty simple.

14 MR. CAMPBELL: So we're not going to hear
15 an argument or any facts concerning the dispute
16 between Knology and Gulf Power Company with respect to
17 make-ready payments, that's what I'm hearing? Your
18 point is that they paid for all of the work.

19 MR. SEIVER: Well I'm not sure, are you --
20 if that's the problem. If you're disputing --

21 MR. CAMPBELL: That's the problem.

22 MR. SEIVER: If you're saying that they

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1 didn't.

2 MR. CAMPBELL: I don't' want to hear
3 anything else about the dispute. There was a dispute.
4 You know there was a dispute, you asked deposition
5 questions about it. That's the point. That doesn't
6 come into evidence. If your only point is that
7 Knology paid then we don't have a problem.

8 MR. SEIVER: I only designated that page.

9 MR. CAMPBELL: You didn't, there's more.

10 ADMIN. JUDGE SIPPEL: Which page?

11 MR. SEIVER: 41, I didn't designate -- I --
12 I don't think I designated other pages about the
13 dispute. I don't think so.

14 ADMIN. JUDGE SIPPEL: I -- I mean -- I'm
15 going to give the instruction right here, we're not
16 going to get into the Knology dispute.

17 MR. CAMPBELL: I have nothing further on
18 Mr. Forbes.

19 ADMIN. JUDGE SIPPEL: All right. So you're
20 -- you're basically -- I'm overruling the objection,
21 but the - the more - the parts that would cause the
22 greatest concern it seems on the - on the unrelated

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1 issue of dispute has to do with 42, with a page which
2 you haven't designated anyway.

3 MR. SEIVER: Yes, Your Honor. So, okay.
4 Next one.

5 MR. CAMPBELL: What is 88?

6 MR. SEIVER: Terry Davis. She starts on
7 139, Your Honor.

8 ADMIN. JUDGE SIPPEL: He is - what was his
9 position at Gulf Power I couldn't --

10 MR. CAMPBELL: Ms. Davis, her.

11 ADMIN. JUDGE SIPPEL: I'm sorry.

12 MR. CAMPBELL: She's - she's an accounts
13 claimant.

14 ADMIN. JUDGE SIPPEL: She testified here,
15 yes.

16 MR. CAMPBELL: She did, Your Honor.

17 ADMIN. JUDGE SIPPEL: I'm sorry, excuse me.
18 I was looking at this from -- I was just blindly
19 looking at it, looking for a description in the
20 excerpts and I couldn't find one. So I didn't think
21 beyond that. Sorry, go ahead.

22 MR. CAMPBELL: If I could have a moment,

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1 Your Honor, I'm trying to digest your previous rulings
2 and see if I can cut through some of this.

3 ADMIN. JUDGE SIPPEL: I do remember Ms.
4 Davis very well. Okay.

5 MR. CAMPBELL: I think we'll handle the
6 issues with respect to Ms. Davis on cross
7 designations, given Your Honor's previous rulings.
8 Most of my objection would relate to a cumulative
9 testimony and also foundational issues. So we'll -
10 we'll deal with that at cross designations.

11 ADMIN. JUDGE SIPPEL: Thank you. Mr.
12 Tessieri.

13 MR. CAMPBELL: This one is not so simple,
14 Your Honor.

15 ADMIN. JUDGE SIPPEL: This is -- this would
16 be Tab 89, designated as Tab 89.

17 MR. SEIVER: And starts on 167, Your Honor.

18 ADMIN. JUDGE SIPPEL: He is an Osmose
19 representative. Your excerpt page 167, well you
20 direct me to the transcript page where your problems
21 begin, Mr. Campbell.

22 MR. CAMPBELL: I - I will, but I do

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1 need to make a general statement.

2 ADMIN. JUDGE SIPPEL: Thank you.

3 MR. CAMPBELL: The parties stipulated as to
4 the authenticity of the Osmose data. They went out
5 and collected the measurements, gave it to Gulf Power
6 in the form of computer files, and then two witnesses
7 in this proceeding looked at those measurements; Mr.
8 Harrelson and Mr. Bowen. And there was a lot of
9 testimony about the data. Mr. Harrelson testified
10 that he generally accepted the data as accurate, and
11 testified at great length about what Osmose measured
12 and didn't measure. Also, in evidence, are the
13 statements of work, which outline in great detail what
14 was measured and what was not measured by Osmose.

15 Now what we have here is deposition
16 testimony taken of a salesman who helped sell the
17 project from Osmose to Gulf Power and extensive
18 questioning about what was measured, what wasn't
19 measured, what they considered, what they didn't
20 consider and what you see when you read the
21 designations is that Mr. Tessieri did not take the
22 measurements. He was not a field guy. He was the

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1 salesmen who helped sell this project. So you have an
2 issue, because of that relationship, because of the
3 evidence and the way that it unfolded, where you have
4 extensive hearsay testimony in here, you have
5 testimony that the witness does not have personal
6 knowledge of, not to mention that it is right for 403
7 problems.

8 And this also triggers a situation where
9 if this testimony comes in we're going to ask for the
10 right to respond to some of it, probably with written
11 testimony, just because -- you know -- they're just
12 throwing -- you know -- a lot of stuff in here for
13 some inferences that I don't think are very fair. Now
14 I'll go through those, but that is the general problem
15 with this entire issue. The Osmose data is not an
16 issue, the what was measured and what wasn't measured
17 is not in dispute. And so why have a salesman who,
18 doesn't have personal knowledge of the issues,
19 testifying at all. And so my first motion to strike
20 would be to strike all of those deposition
21 designations.

22 MR. COOK: Your Honor, we oppose that

1 motion to strike, because on -- on numerous grounds,
2 the first of all, it's important for the court to
3 understand that when we got the Osmose final report at
4 the end of October we said, okay, we want to take a
5 deposition, you give us a representative, Gulf Power
6 who will stand up and testify as to Osmose. We got
7 one person. It was Mr. Tessieri. This is the person
8 they selected to represent the company that they hired
9 to compile this pole data, which they have put in
10 evidence as Gulf Power Exhibit 42.

11 ADMIN. JUDGE SIPPEL: Is that true?

12 MR. CAMPBELL: It's not entirely true.

13 MR. COOK: That is true.

14 MR. CAMPBELL: That's part of the problem,
15 go ahead. I don't want to interrupt the flow, but
16 that part is not true.

17 MR. COOK: That is true and to give Your
18 Honor a little more flavor I said, well is - is there
19 going to be anybody else? And they said, unless you
20 want to get into and they used the phrase IT issues,
21 meaning information technology issues with Osmose this
22 is the only person that we are going -- considering

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1 proffering testimony for on the hearing. So as the
2 time went on I believe --

3 ADMIN. JUDGE SIPPEL: Now wait a minute,
4 before you - I don't need to know the whole story --

5 MR. COOK: Sure.

6 ADMIN. JUDGE SIPPEL: What does Mr.
7 Tessieri - what does he add to this? Why do I want to
8 hear what Mr. Tessieri has to say?

9 MR. COOK: For the following reason -- Mr.
10 Campbell makes much of authenticity, but authenticity
11 only goes to the fact that they went out into the
12 field, they took the measurements, and it resulted in
13 X numbers.

14 It does not go to the accuracy, to the
15 relevancy, to the pertinence. For example, when Mr.
16 Bowen got up^h here Mr. Seiver started cross-examining,
17 we learned right away three of the 40 Osmose poles,
18 they have to withdraw from being crowded under their
19 own classification. What Mr. Tessieri specifically
20 adds is he shows Osmose's failures from our
21 perspective, what they did not do. And it starts with
22 Page 51, Gulf never gave information to Osmose about

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